

**ASSEMBLY, No. 6109**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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INTRODUCED JANUARY 6, 2020

**Sponsored by:**

**Assemblyman JOHN ARMATO**

**District 2 (Atlantic)**

**Assemblyman CLINTON CALABRESE**

**District 36 (Bergen and Passaic)**

**Assemblyman R. BRUCE LAND**

**District 1 (Atlantic, Cape May and Cumberland)**

**Co-Sponsored by:**

**Assemblywoman Downey**

**SYNOPSIS**

Appropriates \$32,153,936 to State Agriculture Development Committee, and amends 2017 appropriations for stewardship activities, for farmland preservation purposes.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/14/2020)**

1 AN ACT appropriating \$32,153,936 from various farmland  
2 preservation funds to the State Agriculture Development  
3 Committee for farmland preservation purposes and amending  
4 P.L.2017, c.224 and P.L.2017, c.334.

5  
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7 *of New Jersey:*

8  
9 1. a. There is appropriated to the State Agriculture  
10 Development Committee the sum of \$25,756,936 in the following  
11 subtotal amounts, listed in paragraphs (1) through (4) of this  
12 subsection, to pay the cost of acquisition by the committee of  
13 development easements on, or fee simple titles to, farmland, to  
14 provide grants to counties and municipalities for up to 80 percent of  
15 the cost of acquisition of fee simple titles to farmland, to provide  
16 grants to qualifying tax-exempt non-profit organizations for up to  
17 50 percent of the cost of acquisition of fee simple titles to farmland,  
18 for farmland preservation purposes for projects approved as eligible  
19 for such funding pursuant to the "Agricultural Retention and  
20 Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.), the "Green  
21 Acres, Farmland and Historic Preservation, and Blue Acres Bond  
22 Act of 1995," P.L.1995, c.204, the "Garden State Preservation Trust  
23 Act," P.L.1999, c.152 (C.13:8C-1 et seq.), the "Green Acres,  
24 Farmland, Blue Acres, and Historic Preservation Bond Act of  
25 2007," P.L.2007, c.119, the "Green Acres, Water Supply and  
26 Floodplain Protection, and Farmland and Historic Preservation  
27 Bond Act of 2009," P.L.2009, c.117, and the "Preserve New Jersey  
28 Act," P.L.2016, c.12 (C.13:8C-43 et seq.):

29 (1) \$25,239,000 from dedicated corporation business tax  
30 revenues pursuant to Article VIII, Section II, paragraph 6 of the  
31 State Constitution from the "Preserve New Jersey Farmland  
32 Preservation Fund," established pursuant to section 8 of the  
33 "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-50);

34 (2) \$111,418 from the "2009 Farmland Preservation Fund,"  
35 established pursuant to section 18 of the "Green Acres, Water  
36 Supply and Floodplain Protection, and Farmland and Historic  
37 Preservation Bond Act of 2009," P.L.2009, c.117;

38 (3) \$394,727 from the "2007 Farmland Preservation Fund,"  
39 established pursuant to section 18 of the "Green Acres, Farmland,  
40 Blue Acres, and Historic Preservation Bond Act of 2007,"  
41 P.L.2007, c.119; and

42 (4) \$11,791 from the "Garden State Farmland Preservation  
43 Fund," established pursuant to section 20 of P.L.1999, c.152  
44 (C.13:8C-20).

45 b. Any farmland acquired in fee simple with monies  
46 appropriated pursuant to this section shall be offered for resale or  
47 lease with agricultural deed restrictions approved by the committee.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1       2. There is appropriated from the “Preserve New Jersey  
2 Farmland Preservation Fund,” established pursuant to section 8 of  
3 the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-50), from  
4 the “2009 Farmland Preservation Fund,” established pursuant to  
5 section 18 of the “Green Acres, Water Supply and Floodplain  
6 Protection, and Farmland and Historic Preservation Bond Act of  
7 2009,” P.L.2009, c.117, from the “2007 Farmland Preservation  
8 Fund,” established pursuant to section 18 of the “Green Acres,  
9 Farmland, Blue Acres, and Historic Preservation Bond Act of  
10 2007,” P.L.2007, c.119, from the “Garden State Farmland  
11 Preservation Trust Fund,” established pursuant to section 20 of  
12 P.L.1999, c.152 (C.13:8C-20), from the “1999 Open Space Fund,”  
13 established pursuant to the “Open Space – Local Match Program of  
14 the Fiscal Year 1999 annual appropriations act,” P.L.1998, c.45,  
15 from the “1995 Farmland Preservation Fund,” established pursuant  
16 to section 25 of the “Green Acres, Farmland and Historic  
17 Preservation, and Blue Acres Bond Act of 1995,” P.L.1995, c.204,  
18 from the “1992 Farmland Preservation Fund,” established pursuant  
19 to section 24 of the “Green Acres, Clean Water, Farmland and  
20 Historic Preservation Bond Act of 1992,” P.L.1992, c.88, from the  
21 “1989 Farmland Preservation Fund,” established pursuant to section  
22 22 of the “Open Space Preservation Bond Act of 1989,”  
23 P.L.1989, c.183, and from the “Farmland Preservation Fund,”  
24 established pursuant to section 5 of the “Farmland Preservation  
25 Bond Act of 1981,” P.L.1981, c.276, to the State Agriculture  
26 Development Committee such sums from any additional proceeds  
27 which may become available by the effective date of this act due to  
28 the lease or conveyance of land or development easements acquired  
29 or funded by the committee, for the purpose of providing for the  
30 cost of acquisition by the committee of development easements and  
31 fee simple titles to farmland for farmland preservation purposes  
32 pursuant to subsection a. of section 1 of this act.

33       Any farmland acquired in fee simple with monies appropriated  
34 pursuant to this section shall be offered for resale or lease with  
35 agricultural deed restrictions approved by the committee.  
36

37       3. There is appropriated to the State Agriculture Development  
38 Committee the sum of \$2,147,000 from the “Preserve New Jersey  
39 Farmland Preservation Fund,” established pursuant to section 8 of  
40 the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-50), for  
41 the purpose of providing grants for stewardship activities as defined  
42 pursuant to section 3 of P.L.2016, c.12 (C.13:8C-45), including soil  
43 and water conservation project activities approved pursuant to  
44 section 17 of P.L.1983, c.32 (C.4:1C-24) and deer-fencing activities  
45 approved pursuant to section 5 of P.L.1983, c.32 (C.4:1C-5).  
46

47       4. There is appropriated to the State Agriculture Development  
48 Committee the sum of \$3,250,000 from the “Preserve New Jersey

1 Farmland Preservation Fund,” established pursuant to section 8 of  
2 the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-50), for  
3 the purpose of providing funding for organizational, administrative  
4 and other work and services, including salaries, equipment,  
5 materials, and services necessary to administer the applicable  
6 provisions of P.L.2016, c.12 (C.13:8C-43 et seq.).  
7

8 5. There is appropriated to the State Agriculture Development  
9 Committee the sum of \$500,000 from the “Preserve New Jersey  
10 Farmland Preservation Fund,” established pursuant to section 8 of  
11 the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-50), for  
12 the purpose of providing grants to counties and municipalities for  
13 the development of a farmland preservation plan element for the  
14 farmland preservation planning incentive grant program established  
15 pursuant to section 1 of P.L.1999, c.180 (C.4:1C-43.1).  
16

17 6. There is appropriated to the State Agriculture Development  
18 Committee the sum of \$500,000 from the “Garden State Farmland  
19 Preservation Fund,” established pursuant to section 20 of  
20 P.L.1999, c.152 (C.13:8C-20), for the purpose of establishing an  
21 electronic database for use by the committee in administering the  
22 farmland preservation program, which shall, at a minimum: allow  
23 applicants to submit annual planning applications and individual  
24 farm applications electronically; connect with Geographic  
25 Information Systems mapping and spatial information; enable on-  
26 line database access for post-preservation monitoring and  
27 inspections; and assist in application processing.  
28

29 7. There is appropriated from the General Fund to the  
30 “Preserve New Jersey Farmland Preservation Fund,” established  
31 pursuant to section 8 of the “Preserve New Jersey Act,”  
32 P.L.2016, c.12 (C.13:8C-50), the sum of \$31,136,000 to implement  
33 the provisions of this act.  
34

35 8. The expenditure of the sums approved by this act is subject  
36 to the provisions and conditions of P.L.2016, c.12 (C.13:8C-43 et  
37 seq.), P.L.2009, c.117, P.L.2007, c.119, P.L.1999, c.152 (C.13:8C-1  
38 et seq.), P.L.1998, c.45, P.L.1995, c.204, P.L.1992, c.88,  
39 P.L.1989, c.183, P.L.1983, c.32 (C.4:1C-11 et seq.), and  
40 P.L.1981, c.276, as appropriate.  
41

42 9. Section 3 of P.L.2017, c.224 is amended to read as follows:

43 3. There is appropriated from the “Preserve New Jersey  
44 Farmland Preservation Fund,” established pursuant to section 8 of  
45 the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-50), and  
46 the unexpended balances in the Diesel Risk Mitigation Fund -  
47 Constitutional Dedication account made available for this purpose  
48 to the State Agriculture Development Committee the sum of

1 \$1,496,340 for the purpose of providing grants for stewardship  
 2 activities as defined pursuant to section 3 of P.L.2016, c.12  
 3 (C.13:8C-45), including soil and water conservation project  
 4 activities approved pursuant to section 17 of P.L.1983, c.32  
 5 (C.4:1C-24) and deer-fencing activities approved pursuant to  
 6 section 5 of P.L.1983, c.32 (C.4:1C-5).  
 7 (cf: P.L.2017, c.224, s.3)

8  
 9 10. Section 3 of P.L.2017, c.334 is amended to read as follows:

10 3. There is appropriated from the "Preserve New Jersey  
 11 Farmland Preservation Fund," established pursuant to section 8 of  
 12 the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-50), and  
 13 the unexpended balances in the Diesel Risk Mitigation Fund -  
 14 Constitutional Dedication account made available for this purpose  
 15 to the State Agriculture Development Committee the sum of  
 16 \$696,060 for the purpose of providing grants for stewardship  
 17 activities as defined pursuant to section 3 of P.L.2016, c.12  
 18 (C.13:8C-45), including soil and water conservation project  
 19 activities approved pursuant to section 17 of P.L.1983, c.32  
 20 (C.4:1C-24) and deer-fencing activities approved pursuant to  
 21 section 5 of P.L.1983, c.32 (C.4:1C-5).  
 22 (cf: P.L.2017, c.334, s.3)

23  
 24 11. This act shall take effect immediately.

# STATEMENT

25  
 26  
 27  
 28  
 29 This bill appropriates \$32,153,936 from various farmland  
 30 preservation funds to the State Agriculture Development Committee  
 31 (SADC) for certain farmland preservation purposes. In addition,  
 32 this bill amends two prior appropriation acts that appropriated funds  
 33 to the SADC for certain farmland preservation purposes.

34 Of the funding provided by the bill, \$25,756,936 is appropriated  
 35 to the SADC to pay the cost of acquisition by the SADC of  
 36 development easements on, or fee simple titles to, farmland, to  
 37 provide grants to counties and municipalities for up to 80 percent of  
 38 the cost of acquisition of fee simple titles to farmland, and to  
 39 provide grants to qualifying tax exempt nonprofit organizations for  
 40 up to 50 percent of the cost of acquisition of fee simple titles to  
 41 farmland, for farmland preservation purposes for projects approved  
 42 as eligible for such funding pursuant to: the "Agricultural  
 43 Retention and Development Act"; the "Green Acres, Farmland and  
 44 Historic Preservation, and Blue Acres Bond Act of 1995"; the  
 45 "Garden State Preservation Trust Act"; the "Green Acres,  
 46 Farmland, Blue Acres, and Historic Preservation Bond Act of  
 47 2007"; the "Green Acres, Water Supply and Floodplain Protection,

1 and Farmland and Historic Preservation Bond Act of 2009”; and the  
2 “Preserve New Jersey Act.”

3 Of the \$25,756,936 provided in section 1 of the bill for the  
4 acquisition of fee simple titles and development easements to  
5 farmland: \$25,239,000 is from constitutionally dedicated  
6 corporation business tax (CBT) revenues in the “Preserve New  
7 Jersey Farmland Preservation Fund” established pursuant to the  
8 “Preserve New Jersey Act”; \$111,418 is from the “2009 Farmland  
9 Preservation Fund” established pursuant to the “Green Acres, Water  
10 Supply and Floodplain Protection, and Farmland and Historic  
11 Preservation Bond Act of 2009”; \$394,727 is from the “2007  
12 Farmland Preservation Fund” established pursuant to the “Green  
13 Acres, Farmland, Blue Acres, and Historic Preservation Bond Act  
14 of 2007”; and \$11,791 is from the “Garden State Farmland  
15 Preservation Fund” established pursuant to the “Garden State  
16 Preservation Trust Act.”

17 In addition, this bill appropriates \$2,147,000 from the “Preserve  
18 New Jersey Farmland Preservation Fund” to the SADC for the  
19 purpose of providing stewardship grants for activities, beyond  
20 routine operation and maintenance, undertaken by landowners, or  
21 farm operators as agents for landowners, to repair, restore, or  
22 improve lands preserved for farmland preservation purposes,  
23 including soil and water conservation project activities and deer-  
24 fencing activities.

25 The appropriations in this bill for the acquisition of fee simple  
26 titles and development easements to farmland and for stewardship  
27 grants have been approved by the SADC and the Garden State  
28 Preservation Trust.

29 The bill also appropriates to the SADC such sums from any  
30 additional proceeds which may become available by the effective  
31 date of the bill due to the lease or conveyance of farmland  
32 previously acquired in fee simple by the SADC, for the purpose of  
33 providing for the cost of acquisition by the SADC of development  
34 easements and fee simple titles to farmland for farmland  
35 preservation purposes.

36 This bill also appropriates \$3,250,000 to the SADC from the  
37 “Preserve New Jersey Farmland Preservation Fund” for  
38 organizational, administrative, and other work and services,  
39 including salaries, equipment, materials, and services necessary to  
40 administer the applicable provisions of the “Preserve New Jersey  
41 Act.”

42 The bill also appropriates \$500,000 to the SADC from the  
43 “Preserve New Jersey Farmland Preservation Fund” for the purpose  
44 of providing grants to counties and municipalities for the  
45 development of farmland preservation plan elements as required by  
46 law for the farmland preservation planning incentive grant program.

47 The bill also appropriates to the SADC \$500,000 from the  
48 “Garden State Farmland Preservation Fund,” established pursuant to

1 the “Garden State Preservation Trust Act,” for the establishment of  
2 an “e-Farm” electronic database to replace the SADC’s existing,  
3 outdated database with a modern database and interface. Creation  
4 of a new database will include: allowing applicants to submit  
5 annual planning applications and individual farm applications  
6 electronically; connecting with Geographic Information Systems  
7 mapping and spatial information; enabling on-line database access  
8 for post-preservation monitoring and inspections; and assisting in  
9 application processing.

10 Lastly, the bill amends two prior appropriation acts that previously  
11 appropriated funds to the SADC for stewardship activities for  
12 farmland preservation purposes. P.L.2017, c.224 and P.L.2017, c.334  
13 appropriated funds from the “Preserve New Jersey Farmland  
14 Preservation Fund” to the SADC for the purpose of providing  
15 stewardship grants for activities, beyond routine operation and  
16 maintenance, undertaken by landowners, or farm operators as agents  
17 for landowners, to repair, restore, or improve lands preserved for  
18 farmland preservation purposes, including soil and water conservation  
19 project activities and deer-fencing activities. This bill amends these  
20 2017 acts to provide that the necessary funds for stewardship activities  
21 may also be appropriated from the unexpended balances in the Diesel  
22 Risk Mitigation Fund - Constitutional Dedication account made  
23 available for this purpose.

24 The “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-43 et  
25 seq.), implements the constitutional dedication of corporation  
26 business tax (CBT) revenues pursuant to Article VIII, Section II,  
27 paragraph 6 of the State Constitution, approved by the voters of the  
28 State in November 2014, for open space, farmland, and historic  
29 preservation. The “Preserve New Jersey Farmland Preservation  
30 Fund” was established pursuant to section 8 of the “Preserve New  
31 Jersey Act.”